THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24444 of 2005

Date:16.11.2005

Katuri Seshayamma.

--------PETITIONER

The Additional Agent to the Government, E.G.District and others.

---------RESPONDENTS

ORDER:

The Special Deputy Tahsildar, Tribal Welfare, Addateegala Mandal, East Godavari District, initiated proceedings against the petitioner at the instance of the 5th respondent herein, under the provisions of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 as amended by Regulation 1 of 1970, before the Special Deputy Collector, Tribal Welfare, Rampachodavaram, 2nd respondent herein, in L.T.R.P.No.308 of 2002. It was alleged that she is in not entitled to remain in possession of the land admeasuring Ac.16.36 cents in Survey Nos.80-1, 80-2, 70-2 and 70-3 of Gondulu Village. The petitioner contested the same and ultimately, the 2nd respondent passed an order, dated 26.09.2003, holding that the petitioner is entitled to remain in possession of Acs.8.00 in Survey No.80-1 and the 5th respondent is entitled to be kept in possession of Acs.8.36 cents of land in Survey No.80-2.

Aggrieved thereby, the 5th respondent filed C.M.A.No.10 of 2004 before the 1st respondent, against the petitioner and the 2nd respondent herein. The 1st respondent dismissed the appeal and consequently set aside the order passed in the L.T.R.P, and thereby directed eviction of the petitioner and the 5th respondent from the entire land. The petitioner filed a revision before the 4th respondent herein together with an application for stay against the order passed

in the C.M.A. His grievance is that the 4th respondent has not passed any orders so far, in the application for stay, and that in the meanwhile, the 3rd respondent is taking steps to evict the petitioner. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

This case presents a peculiar set of facts. The Special Deputy Tahsildar, Rampachodavaram initiated proceedings in L.T.R.P.No.308 of 2002 before the 2nd respondent, obviously at the instance of the 5th respondent, for restoration of an extent of Acs.8.00 of land in Survey No.80-1. After referring to the earlier order passed by him in L.T.R.P.No.456 of 1978, the 2nd respondent dismissed L.T.R.P.No.308 of 2002 and held that the petitioner is entitled to an extent of Acs.8.00 and the 5th respondent is entitled to an extent of Acs.8.36 cents. The 5th respondent alone preferred appeal, being C.M.A.No.10 of 2004, before the 1st respondent. The petitioner herein was shown as the 2nd respondent in that appeal. The 1st respondent dismissed the appeal on 07.10.2005, holding that neither the petitioner nor the 5th respondent is entitled to any extent and directed resumption of the entire land of Ac.16.36 cents to the Government for assignment to eligible tribes.

It needs to be observed that the Special Deputy Tahsildar did not prefer any appeal. The dismissal of the appeal by the 1st respondent were to have left the matter with the confirmation of the order passed by the 2nd respondent. It was under these circumstances, that the petitioner availed the remedy of revision before the 4th respondent, aggrieved by the orders passed by the 1st respondent. Unless the interests of the petitioner are protected, during the pendency of the revision, she is evicted in the meanwhile, nothing remains to be decided in the revision.

Hence, the Writ Petition is disposed of, directing that the order in L.T.R.P.No.308 of 2002, on the file of the 2nd respondent, insofar it relates to the extent of Acs.8.00 held by the petitioner, shall remain stayed, till the revision filed by the petitioner before the 4th respondent is decided. The revision shall be disposed of as early as possible. There shall be no order as to costs.

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16.11.2005

Jsu